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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

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2011 JUL 11 PM 3:00

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COMMISSION

TO: The Commission

FROM: Christopher Hughey
Acting General Counsel

BY: Stephen A. Gura *SG*
Deputy Associate General Counsel for Enforcement

Susan L. Lebeaux *ALL by SL*
Acting Deputy Associate General Counsel for Enforcement

Christine C. Gallagher *CCG by J*
Attorney

SUBJECT: MUR 6377 (Friends of Sharron Angle, *et al.*)
Recirculation of Revised Factual and Legal Analysis and
Recommendation to Close the File

At the June 14, 2011, Executive Session, the Commission considered the First General Counsel's Report in MUR 6377, dated April 27, 2011, which recommended, *inter alia*, that the Commission (1) find no reason to believe Friends of Sharron Angle and Alan B. Mills, in his official capacity as treasurer ("the Angle Committee"), and Sharron E. Angle violated 2 U.S.C. § 441a(f), and no reason to believe Harry Reid Votes and Allison Van Over, in her official capacity as treasurer ("HRV"), and Daniel J. Tarkanian violated 2 U.S.C. § 441a(a) in connection with HRV ranking, and the Angle Committee accepting, alleged excessive in-kind contributions in the form of coordinated communications; (2) find reason to believe HRV violated 2 U.S.C. § 432(e)(4) in connection with the allegations that HRV, as an unauthorized committee, impermissibly used the name of a candidate in its official title; and (3) find reason to believe HRV violated 2 U.S.C. § 441d(a) in connection with the allegations that HRV used deficient disclaimers on its radio advertisement.

At that Executive Session, the Commission approved the General Counsel's recommendations to find no reason to believe that the Angle Committee and Sharron E. Angle violated 2 U.S.C. § 441a(f) and no reason to believe that HRV and Daniel J. Tarkanian violated 2 U.S.C. § 441a(a). There were not four votes to approve the recommendation to find reason to believe that HRV violated 2 U.S.C. § 432(e)(4). The

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Commission voted to dismiss with caution the allegation that HRV violated 2 U.S.C. § 441d(a), and asked the Office of General Counsel to revise the applicable Factual and Legal Analysis as appropriate, and to recirculate it on a no objection tally. Accordingly, attached for the Commission's consideration is the revised Factual and Legal Analysis for HRV, *et al.*

In addition, because we originally recommended entering into pre-probable cause to believe conciliation with HRV, our recommendations in the First General Counsel's Report did not include a recommendation to close the file as to HRV, and no such motion occurred at the June 14, 2011, Executive Session. Therefore, we recommend that the Commission close the file as to all respondents in MUR 6377.

RECOMMENDATIONS:

1. Approve the attached revised Factual and Legal Analysis.
2. Close the file as to all respondents in MUR 6377.

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